

Meeting Date: 10/14/08

Santa Clara



# AGENDA REPORT

City of Santa Clara, California

Agenda Item # 12B



**DATE:** October 8, 2008

**TO:** City Manager for Council Action

**FROM:** Acting Director of Human Resources

**SUBJECT:** Adoption and Execution of Employer Negotiations Principles by City Council

**EXECUTIVE SUMMARY:** The Employer Negotiations Principles were developed and approved by the City Council and City Manager to guide the City's negotiations with the employee organizations beginning in 2003. During each subsequent labor contract negotiation, the City Council and City Manager have reviewed them and formally adopted and signed the Employer Negotiations Principles. These Principles are consistent with the City's Code of Ethics and Values in all aspects of City government. Nothing in this document is intended to abridge the free speech rights of Council Members when communicating with their constituents. After adoption and signature, the Principles will be distributed to the employee organizations that will be negotiating with the City this year for successor Memoranda of Understanding.

**ADVANTAGES AND DISADVANTAGES OF ISSUE:** These Principles are consistent with the City's Code of Ethics and Values. They will provide a useful guide during the negotiation process with employee organizations, and should promote the quality of the negotiations process. There are no disadvantages.

**ECONOMIC/FISCAL IMPACT:** There is no fiscal impact other than administrative staff time and expense.

**RECOMMENDATION:** That the Council adopt the Employer Negotiations Principles and execute the document, along with the City Manager, at the City Council meeting of October 14, 2008.

A handwritten signature in black ink, appearing to read "Alan Christenson".

Alan Christenson  
Acting Director of Human Resources

**APPROVED:**

A handwritten signature in black ink, appearing to read "Jennifer Sparacino".

Jennifer Sparacino  
City Manager

***Documents Related to this Report:***

- 1) *Employer Negotiations Principles*

## **Employer Negotiations Principles**

As part of our commitment to the City's Code of Ethics and Values, these Employer Negotiations Principles have been developed and approved by unanimous vote of the City Council.

- As representatives of the City Council and City management, the Management Negotiating Team will meet and confer in good faith with the employee bargaining group representatives.
- The City Council is committed to working with the City Manager and her team as Council agents in the negotiating process, using protocol and proper communication channels for employee negotiation discussions.
- Negotiations occur between the City Manager (or designee) and designated Union/Association leadership. All bargained items are subject to City Council approval. The Council does not meet and confer or negotiate.
- Fiscal responsibility will be valued and integral to Council decisions.
- Management will at all times conduct themselves professionally and with due respect at the negotiating table.
- Employee Association/Union positions will be honestly and completely conveyed to City Council and City Manager by Management Negotiators including both substance and tone.
- City Negotiators should ensure that all negotiated agreements are lawful, workable, and within the economic parameters established by the City Council.
- City Negotiators will take a positive approach to difficult budget/employee negotiation discussions.
- City Council, City Manager and Management Negotiators will work together as a cohesive team. City Council members and City Manager will support the Council's majority votes and final actions, and will not disclose individual votes.

- Confidentiality will be maintained during the negotiations process as specified under Public Employment Relations Board regulations – including confidentiality of the negotiations, and no negotiations other than at the negotiating table.
- If approached by employees or representatives of employee organizations, Council members will indicate that, during the negotiation process, discussions should occur at the negotiating table. Council members may listen if they deem it necessary, but will not discuss or comment on information presented. Council members shall provide the City Manager with the information pertaining to negotiations shared with them by employees or representatives of employee organizations.

Confidentiality regarding Closed Session discussions will be maintained. Government Code Section 54963 states that a person present in a closed session may not disclose confidential information acquired in the closed session.

Patricia M. Mahan  
Mayor

Joe Kornder  
Vice Mayor

Pat Kolstad  
Council Member

Dominic J. Caserta  
Council Member

Jamie McLeod  
Council Member

Kevin Moore  
Council Member

Will Kennedy  
Council Member

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Jennifer Sparacino, City Manager

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Date